

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAH INTERESTS V, LLC, et al.,  
Plaintiffs,  
v.  
NUTRITION 53, INC., et al.;  
Defendants.

No. 2:21-cv-00173-JAM-KJN

**ORDER DENYING DEFENDANT'S MOTION  
FOR A MORE DEFINITE STATEMENT**

On June 25, 2021, Defendant Nutrition 53 ("N53") filed a motion for a definite statement under Rule 12(e). See Mot., ECF No. 20. Plaintiff filed an opposition. See ECF No. 28. Defendant did not file a reply.

I. OPINION

Rule 12(e) permits a party to "move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response." Fed. R. Civ. P. 12(e). "A Rule 12(e) motion is proper only if the complaint is so indefinite that the defendant cannot ascertain the nature of the claim being asserted in order to frame a response." Medrano v. Kern

1 County Sheriff's Officer, 921 F.Supp.2d 1009, 1013 (E.D. Cal.  
2 2013). Such motions are "disfavored." Id. (internal citations  
3 omitted); see also C.B. v. Sonora Sch. Dist., 691 F. Supp. 2d  
4 1170, 1191 (E.D. Cal. 2010) ("motions for more definite  
5 statement are viewed with disfavor, and are rarely  
6 granted") (emphasis added). Motions for a definite statement are  
7 "ordinarily restricted to situations where a pleading suffers  
8 from unintelligibility rather than want of detail." Medrano,  
9 921 F.Supp.2d at 1013. Further, courts may deny such motions  
10 "if the detail sought by a motion for more definite statement is  
11 obtainable through discovery." C.B., 691 F.Supp.2d at 1191.

12 After reviewing the parties' briefs and applicable law  
13 indicating that such motions are disfavored and rarely granted,  
14 the Court denies Defendant's motion.<sup>1</sup> Defendant did not show  
15 that the amended complaint is so indefinite that it cannot  
16 ascertain the nature of claims being asserted against it. See  
17 Mot. Nor did Defendant explain why it cannot get the info it  
18 claims it needs through discovery. Id.

19  
20 II. ORDER

21 For the reasons set forth above, the Court DENIES  
22 Defendant's motion for a more definite statement.

23 IT IS SO ORDERED.

24 Dated: August 30, 2021

25  
26   
JOHN A. MENDEZ,  
UNITED STATES DISTRICT JUDGE

27 <sup>1</sup> This motion was determined to be suitable for decision without  
28 oral argument. E.D. Cal. L.R. 230(g). The hearing was  
scheduled for August 31, 2021.